

Board of Adjustment
PO Box 120
Town of Fremont, New Hampshire 03044

Members present: Chairman Richard Butler, Co-chairman Jack Baker, Brett Hunter, and Secretary Meredith Bolduc. Alternate Scott Boisvert joined the meeting at 8:00 pm

Mr. Butler called the meeting to order at 7:30 p.m. then called the roll.

It was agreed to go directly to the scheduled Public Hearing and take care of any Board business when the Hearing was finished.

Case # 05-008
Tom Waters
MAP 7 LOT 117

Present: Owner Tom Waters, Road Agent Guerwood Holmes, abutter Mary Cocuzza and neighbor Bill Pappalardo.

Mr. Butler opened this Public Hearing at 7:40 p.m.

Mr. Butler explained the purpose of the Board and the procedure for a Variance and read the five conditions which a majority of the Board must be in agreement with in order for the Board to grant a Variance. He read the Public Notice of the Hearing which read as follows:

In accordance with NH RSA 675: 7, you are hereby notified that the Fremont Zoning Board of Adjustment will hold a Public Hearing at 7:30 pm on August 23, 2005 at the Fremont Town Hall for Thomas Waters, Map 7 Lot 117, Bean Road & Bruce Avenue, Fremont NH.

The applicant is seeking a Variance from Article XI Section E-1 to allow a two (2) lot subdivision within the Aquifer Protection District without minimum lot size requirement.

It was noted that this hearing was noticed on July 27, 2005 at the Fremont Post Office and Fremont Town Hall and in the August 12, 2005 edition of the Rockingham News.

The applicant and all abutters were notified via certified mail on July 27, 2005 and all returns have been received. The application package included: 6 copies of the drawn plan, proper check amount and a current list of abutters. The application also included a July 25, 2005 letter from the Building Inspector Thom Roy reflecting the non-compliance of the minimum lot size requirements as proposed on the subdivision plan for parcel 7-117. He stated that Article XI D-1 states the adoption of "Fremont Water Resources Map 2004" as being the defining map for the area within the Aquifer Protection District: lot 7-117 is within the Aquifer Protection District and as such must comply with the minimum lot size requirement of Article XI E-1 of three (3) acres.

Mr. Butler related that there is not a full Board present and gave the applicant the option of waiting for a full Board for a decision. The applicant opted to move forward with the members present.

Mr. Butler read Article XI Section E-1 – Minimum Lot Size which is as follows:
The minimum lot size with in the Aquifer Protection District for each dwelling unit if a residential use, or each principal building if a non-residential use, shall be three (3) acres, or 130,680 square feet.

Comment sheets were received from the following:

1. Fire Chief: *"would like to know the distance to water supply and location of driveways and distance to fire station and how long are driveways"*
2. Health Officer *"Our Aquifer needs maximum protection. I'm not in favor of approval."*
3. Conservation Commission: *"The Conservation Commission collectively agrees there should be no exception to the minimum lot size requirement in the Aquifer Protection District. The Conservation Commission strongly recommends against this Variance. The most valuable resource Fremont has is its good water quality. Protection of the Aquifer is an extremely high priority for Fremont. The Conservation Commission would therefore recommend against any Variance to the lot size requirement in the Aquifer Protection District".*
4. Road Agent: *"I have viewed the plans. As for Fremont Road Agent concerns, Tom Waters, I believe, is making a provision to give some of his land to the Town to allow the Shady Lane Road to give the property owners frontage that they did not have. In doing so it has make Shady Lane Road a much better plowable road in winter and also I see no problem on Bean Road with driveways."*
5. Police Chief: *"This subdivision has no adverse effect on the public safety."*

The Board reviewed plan # 881 drawn by T.D. Brouillette Land Surveying and dated July 2005. This plan showed the 2 lot subdivision of the 4.65 acre property leaving 2.53 acres with the original lot 7-117 and creating a new 2.10 acre lot. It was noted that the entire property is in the Aquifer Protection District. Mr. Waters stated that he has had this lot for years with the intent of subdividing it and using the proceeds for his retirement. He added that he feels he has enough land to put in a 5 unit condo, but would rather do a 2 lot subdivision. He stated that all of the neighbors he spoke with, although they are not

present at this meeting, are for the subdivision as they would rather have a 2 lot subdivision than a 5 unit building. He added that most of the surrounding lots are much smaller than each of his 2 proposed lots would be. Mr. Waters questioned the change in the Aquifer area.

There was a discussion relative to the 3 acre per lot zoning for those properties inside of the Aquifer Protection District. Mr. Waters stated that the Town and the Aquifer would be better served if he was allowed to subdivide into 2 lots than if he constructed a 5 unit condominium building. Mr. Hunter stated that the people of Fremont voted for the 3 acre ordinance. Mrs. Bolduc asked the Chairman for permission to speak. She then asked Mr. Waters if what he was saying was, in effect, that either he be granted his requested 2 lot subdivision, with each lot having less than the allowed 3 acres, or he would construct something that would not serve the town so well. Mr. Waters answered that if he cannot get 2 lots then his plan is to construct a 5 unit condo.

Mr. Butler asked for abutter input and abutter Mary Cocuzza stated that she would be happy with nothing going in at the property. Mr. Pappalardo agreed. Mr. Holmes stated that in 2004 he worked on all of the roads in Riverside Drive and he found that the property at Map 7 Lot 117-2 has no frontage and Mr. Waters was good enough to offer to give the Town a piece of property to make more for the road right-of-way. Mr. Holmes stated that it was his understanding that Mr. Waters was in the process of having it surveyed at that time.

Mr. Hunter stated that he would like to do a site visit. The Board members agreed.

After some discussion relative to time and date, Mr. Hunter made the motion to continue this Public Hearing to the site at Map 7 Lot 117, at 6:15 pm on August 29, 2005 and to the Fremont Town Hall at 8:30 pm on August 30, 2005.

Motion seconded by Mr. Baker with unanimous favorable vote.

POINT OF ORDER

Mr. Hunter made the motion to allow Mr. Boisvert to vote on any issue to come before the Board tonight.

Motion seconded by Mr. Baker with unanimous favorable vote.

Case # 05-007
Allen & Sharon DeMarco
MAP 6 LOT 023-008

Present: Owners Allen & Sharon Demarco

Mr. Butler opened this Public Hearing at 8:15 p.m. and noted that this was a continuation of the August 2, 2005 portion of this Public Hearing.

Mr. Butler reported that he and Board members Brett Hunter and Scott Boisvert as well as Conservation Commission member Jack Karcz met at the site on August 7, 2005 and offered written comment that possibly the Building Inspector should do a site walk because the average person doesn't understand what is considered wetland. Recommendations as a result of the site visit were to try to move the garage closer to the house to maximize the distance to wetlands.

It was noted that the DeMarco's have an appointment to meet with the Conservation Commission on September 12, 2005 for review of their proposal.

Mr. Demarco stated that he is withdrawing his application as he is no longer interested in building the garage that he originally sought a Variance for, but does wish to add onto their 4' x 5' landing area on their house to increase it up to a maximum of 12' x 12' and make it an enclosed porch.

There was a discussion relative to procedure. It was noted that this Public Hearing was noticed as a request for a Variance for a twenty four by thirty foot (24' x 30') single story garage within one hundred (100') feet of the Wetland/Watershed Protection Area. This was a proposed detached building. It was agreed that the purpose of the Variance request could not be changed without further public notice.

After some discussion Mr. Hunter made the motion that if Mr. Demarco wishes to submit an application for a Variance for his porch addition closer than 100' to wetland the Board would forgive ½ of the application fee, or \$100.00, but the advertising and notification costs and \$100.00 of the application fee would be the responsibility of the applicant. Mr. & Mrs. DeMarco agreed.

Motion seconded by Mr. Boisvert with unanimous favorable vote.

Mr. Butler stated that there would be no Board action as the applicants have withdrawn their application.

Mr. Hunter made the motion to close this Public Hearing at 9 pm.
Motion seconded by Mr. Boisvert with unanimous favorable vote.

BUDGET

The Board reviewed the General Ledger Expenditure Report ending June 6, 2005, except for the clerical portion, and agreed that the numbers would suffice for the 2006 budget. The clerical portion was discussed separately. Mrs. Bolduc stated that the clerical line of the budget may change as there is a possibility of a collective clerical budget for a full time office personnel to include the Planning Board, Zoning Board, Conservation Commission and a portion of the Building Inspectors office. There was a discussion relative to the increased activity and responsibilities of the existing land use office leading toward the need for additional office time on a full time basis. The Board was in full agreement and each member stated that he would support the proposed full time office position.

MINUTES

Mr. Hunter made the motion to accept the August 2, 2005 meeting minutes as written. Motion seconded by Mr. Boisvert with unanimous favorable vote.

Mr. Hunter made the motion to adjourn at 10:10 p.m.
Motion seconded by Mr. Baker with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Clerk

cc: SO, TC, PB, CC, RA, BI, HO, PD, FD
ZBA files